

5/7/07 5/10/07 (7) (1)

Maryjane Kenney

From: Peter Berry (home)
Sent: Monday, April 30, 2007 7:26 PM
To: Sidney Johnston
Cc: Board of Selectmen
Subject: RE: Warrant Article, Special Town Meeting May 10, 2007

Sidney:

Thank you for your comments. I am forwarding them to the Selectmen for information. You will have an opportunity to discuss them at the special town meeting. We cannot discuss them through email because of open meeting restrictions.

-----Original Message-----

From: sidney.johnston@comcast.net [mailto:sidney.johnston@comcast.net]
Sent: Sunday, April 29, 2007 1:48 PM
To: Peter Berry
Subject: Warrant Article, Special Town Meeting May 10, 2007

Peter,

I am sending this to you because you are the leader of the Committee on Cell Towers.

I just read the proposed Warrant Article for the May 10 Special Town Meeting. The Warrant Article is linked to the Acton town web page at www.town.acton.ma.us

The proposed text appears to need some improvement, as follows:

1. The May 10 Special Town Meeting Warrant Article has the following provision:
3.11.3 Temporary Moratorium Provisions

"For so long as this temporary moratorium remains in effect, no wireless communications facility or structure appurtenant or accessory to a wireless communication facility shall be constructed, nor shall any building permit, special permit, variance or site plan approval decision for any such facility be issued in the Town of Acton."

From this text it appears that the moratorium is on decisions, not on accepting applications.

QUESTION: If an Application is filed during the moratorium the decision is held up, but would the Application be treated as grandfathered under the present Zoning Bylaws??

ANALYSIS: The Moratorium provision should be changed, for example, to read:

For so long as this temporary moratorium remains in effect, no Application to build a wireless communications facility or structure appurtenant or accessory to a wireless communication facility shall be accepted by the Town of Acton, and all employees, elected officials, Town Committees, or anyone else capable of binding the Town of Acton are directed to not accept any Application for a permit to build a wireless communication facility. Any attempt to file an Application to build a wireless communication facility during pendency of the moratorium shall not act to grandfather that or any other Application under existing Zoning Bylaws.

This wording is borrowed, in part, from the Warrant Article and from a draft proposal by Dore Hunter at the Regular Town Meeting.

2. A provision should exempt from the moratorium an Application to add a co-location to an existing cell tower.

The exemption provision in the Warrant Article appears to include section 3.10.5.2, and

this section appears to exempt all cell towers in non residential areas of height 175 feet or less, as long as the setbacks are ok, with no special permit being required.

Is this a desired result?

Thanks
Sidney Johnston

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